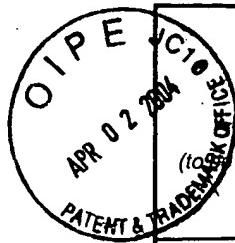


**TRANSMITTAL  
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(to be used for all correspondence after initial filing)



Total Number of Pages in This Submission		Attorney Docket Number	017534-000740US
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**ENCLOSURES (Check all that apply)**

- Fee Transmittal Form
  - Fee Attached
- Amendment/Reply
  - After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
  - Response to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s)

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):
  - Return Postcard
  - PTO/SB/08A & PTO/SB/08B

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual	Townsend and Townsend and Crew LLP James M. Heslin	
Signature		
Date	March 29, 2004	
Reg. No. 29,541		

**CERTIFICATE OF TRANSMISSION/MAILING**

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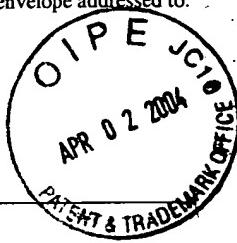
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PATENT  
Attorney Docket No.: 017534-000740US



TOWNSEND and TOWNSEND and CREW LLP

By: Edward Masinas  
Edward Masinas

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

RODNEY A. PERKINS et al.

Application No.: 10/765,380

Filed: January 26, 2004

For: METHODS, SYSTEMS, AND KITS  
FOR LUNG VOLUME REDUCTION

Examiner: Unassigned

Art Unit: Unassigned

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

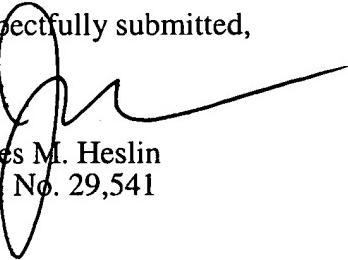
The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in Application No. 09/898,703, filed July 2, 2001 (Attorney Docket No. 017534-000720US). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
James M. Heslin  
Reg. No. 29,541

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JMH:ewm  
60174518 v1



Substitute for form 1449A/PTO				<i>Complete if Known</i>	
				Application Number	10/765,380
				Filing Date	January 26, 2004
				First Named Inventor	PERKINS, RODNEY A.
				Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	3	Attorney Docket Number	017534-000740US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	3,322,126	05-30-1967	Rüscher et al.	
	2	3,498,286	03-03-1970	Polanyi et al.	
	3	3,669,098	06-13-1972	Takahashi	
	4	3,677,262	07-18-1972	Zukowski	
	5	3,776,222	12-04-1973	Smiddy	
	6	3,866,599	02-18-1975	Johnson	
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	8	4,041,936	08-16-1977	Carden	
	9	4,086,919	05-02-1978	Bullard	
	10	4,327,720	05-04-1982	Bronson et al.	
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	16	4,742,819	05-10-1988	George	
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	18	4,819,664	04-11-1989	Nazari	
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	20	4,850,371	07-25-1989	Broadhurst et al.	
	21	4,862,874	10-05-1989	Kellner	
	22	4,896,941	01-30-1990	Hayashi et al.	
	23	4,949,716	08-21-1990	Chenoweth	
	24	4,955,375	10-11-1990	Martinez	
	25	4,958,932	10-25-1990	Kegelman et al.	
	26	4,961,738	10-09-1990	Mackin	
	27	4,976,710	12-11-1990	Mackin	
	28	5,056,529	10-15-1991	de Groot	
	29	5,143,062	10-01-1992	Peckham	
	30	5,146,916	09-15-1992	Catalani	
	31	5,165,420	11-24-1992	Strickland	
	32	5,285,778	02-15-1994	Mackin	
	33	5,309,903	05-10-1994	Long	
	34	5,331,947	07-26-1994	Shturman	
	35	5,361,753	11-08-1994	Pothmann et al.	
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	37	5,477,851	12-26-1995	Callaghan et al.	
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	39	5,598,840	02-04-1997	Iund et al.	
	40	5,642,730	07-01-1997	Baran	
	41	5,645,519	07-08-1997	Lee et al.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60174518 v1

Substitute for form 1449A/PTO		<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		Application Number	10/765,380
		Filing Date	January 26, 2004
		First Named Inventor	PERKINS, RODNEY A.
		Art Unit	Unassigned
		Examiner Name	Unassigned
Sheet	2	of	3
		Attorney Docket Number	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>				
	55	WO	92/10971	09-07-1992			<input type="checkbox"/>
	56	WO	95/33506	12-14-1995			<input type="checkbox"/>
	57	WO	98/48706	05-11-1998			<input type="checkbox"/>
	58	WO	98/49191	05-11-1998			<input type="checkbox"/>
	59	WO	99/01076	01-14-1999			<input type="checkbox"/>
	60	WO	99/17827	04-15-1999			<input type="checkbox"/>

Examiner Signature		Date Considered	
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup> Applicant's unique citation designation number (optional). Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<i>Application Number</i>	10/765,380
(use as many sheets as necessary)				<i>Filing Date</i>	January 26, 2004
				<i>First Named Inventor</i>	PERKINS, RODNEY A.
				<i>Art Unit</i>	Unassigned
				<i>Examiner Name</i>	Unassigned
Sheet	3	of	3	<i>Attorney Docket Number</i>	017534-000740US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
	61	Becker et al., "Lung volumes before and after lung volume reduction surgery," Am. J. Respir. Crit. Care Med., (1998) 157:1593-1599.		
	62	Bollinger et al., abstract, "Evaluation of high-risk lung resection candidates: pulmonary Haemodynamics versus exercise testing. A testing of five patients," Respiration, (1994) 61(4), pp. 181-186.		
	63	Clark Ojo et al., "Lung volume reduction surgery alters management of pulmonary nodules in patients with severe COPD," Chest, (1997) 112(6):1494-1500.		
	64	Coryllos and Birnbaum, "Studies in pulmonary gas absorption in bronchial obstruction. I. Two new methods for direct and indirect observation," Amer. J. Med. Sci., (1932) 183:317-326.		
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	66	Coryllos and Birnbaum, "Studies in pulmonary gas absorption in bronchial obstruction. III. A theory of air absorption in atelectasis," Amer. J. Med. Sci., (1932) 183:347-359.		
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	68	Harada et al., "Re-expansion of refractory atelectasis using a bronchofiberscope with a balloon cuff," Chest, (1983) 84(6):725-728.		
	69	Kotloff et al., "Comparison of short-term functional outcomes following unilateral and bilateral lung volume reduction surgery," Chest, (1998) 113(4):890-895.		
	70	McKenna et al., abstract, "Patient selecetion criteria for lung volume reduciton surger," Journal of Thoracit and Cardiovascular Sugery, (1997) 114(6), pp. 957-964.		
	71	Melendez e tal., Abstract, "Predictive respiratory complication quotient predicts pulmonary complication in throacic surgical patients," (1998) 66(6), pp. 2164.		
	72	Sclafani, "Clearing the airways" AARC Times (1999) pp. 69-71, 97.		

Examiner Signature	Date Considered
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.